

1 Thomas M. McInerney, CA Bar No. 162055
tmm@ogletree.com
2 Brian D. Berry, CA Bar No. 229893
brian.berry@ogletree.com
3 Lisa M. Bowman, CA Bar No. 253843
lisa.bowman@ogletree.com
4 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
Steuart Tower, Suite 1300
5 One Market Plaza
San Francisco, CA 94105
6 Telephone: 415.442.4810
Facsimile: 415.442.4870
7

8 A. Craig Cleland, pro hac vice
craig.cleland@ogletree.com
9 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
191 Peachtree St., NE., Suite 4800
Atlanta, GA 30303
10 Telephone: 404.881.1300
Facsimile: 404.870.1732
11

12 Elizabeth A. Falcone, CA Bar No. 219084
elizabeth.falcone@ogletree.com
13 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
The KOIN Center
222 SW Columbia Street, Suite 1500
14 Portland, OR 97201
Telephone: 503.552.2166
15 FACSIMILE: 503.224.4518

16 Attorneys for Defendant GOOGLE LLC
17

18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**

20 ROBERT HEATH, on behalf of himself,

21 and

22 CHERYL FILLEKES, on behalf of himself,
and others similarly situated,

23 Plaintiffs,

24 v.

25 GOOGLE LLC, a Delaware limited liability
26 company,

27 Defendant.
28

Case No. 5:15-cv-01824-BLF

**DECLARATION OF BRIAN ONG IN
SUPPORT OF PLAINTIFF'S
ADMINISTRATIVE MOTION TO SEAL
PORTIONS OF PLAINTIFF'S RESPONSE
IN OPPOSITION TO GOOGLE LLC'S
MOTION FOR LEAVE FOR
RECONSIDERATION OF ORDER
DENYING MOTION FOR
DECERTIFICATION**

Complaint Filed: April 22, 2015
Trial Date: April 1, 2019

1 I, Brian Ong, declare as follows:

- 2 1. I have been a Google LLC employee since October 2008. In October 2012, I became the
3 Director of Google People Services Effectiveness. In January 2017, my title changed to
4 Director of Strategy and Effectiveness for People Operations. In April 2018, my title
5 changed to Director of Google People Services StratOps.
- 6 2. Since October 2012, my primary responsibilities have included improving the efficiency,
7 quality, and experience of Google's hiring processes. I lead teams that focus on strategy,
8 planning and analysis, hiring innovation, online marketing, and the review of offers for
9 employment. I also manage the gHire technology roadmap, prioritizing where the
10 engineering team should make improvements to the internal applicant tracking system,
11 gHire.
- 12 3. I am familiar with the expert reports referenced in Plaintiff's Response in Opposition to
13 Defendant Google LLC's Motion for Leave for Reconsideration of Order Denying Motion
14 for Decertification ("Opposition") that are referenced below. I have reviewed the
15 Opposition, which cites to the March 5, 2018, and July 19, 2018 expert reports of David
16 Neumark ("Neumark Reports"). The Neumark Reports discuss sensitive, confidential data
17 from gHire. The Neumark Reports also contain detailed data and analyses related to
18 Google's selection, recruiting, and evaluations of candidates, including analyses of the
19 confidential interview scores and ratings for candidates, and confidential information that
20 candidates provided to Google regarding their education and work histories.
- 21 4. Google does not publicly disclose the information referenced in the reports, including its
22 interview scores, rubric ratings, its interview questions, or the other sources of data
23 reflected in Plaintiff's expert report. It also does not disclose the details of how it evaluates
24 candidates, the data stored in gHire, the notes and evaluations of interviewers and Hiring
25 Committee members, or the internal references and internal referrals for
26 candidates_ information that is also referenced in the reports. Even within Google,
27 access to gHire data on a candidate is limited.

- 1 5. I believe Google will suffer competitive harm if this confidential information is made
2 public. Based on my work experience at Google, I know there is competition in Silicon
3 Valley, and throughout the world, for top software engineering talent and other technical
4 talent. I also know that Google has devoted, and continues to devote, an extraordinary
5 amount of time, money, and human resources toward developing internal processes and
6 programs for identifying, interviewing, and evaluating employment candidates for
7 software engineering positions and other types of technical positions at Google.
- 8 6. The reports, especially when considered collectively, contain competitively sensitive
9 information related to the manner and means by which Google recruits and evaluates
10 candidates. Based on my work experience at Google, I believe that Google may suffer
11 competitive injury if other employers of top software engineering talent or other top
12 technical talent were to gain access to the materials, especially if other employers were
13 to gain access to these materials collectively. Other employers could use these materials
14 to discern Google's strategies, techniques and business processes for evaluating
15 candidates, and thereby gain a competitive advantage when courting candidates for the
16 same or similar positions and in hiring generally. Similarly, applicants for engineering
17 and technical positions could use these materials, which contain confidential information
18 about the kinds of technical questions and interviews that Google interviewers conduct,
19 to give them an artificial advantage in interviews. This would diminish the value of these
20 interview techniques to Google, and, as I mentioned above, Google has devoted and
21 continues to devote substantial time, money and resources to developing its interview
22 techniques and processes.
- 23 7. Under 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and
24 correct. I executed this declaration on September 14, 2018 in Mountain View, California.

25
26
27
28

Brian Ong

35610786.1